

MINUTES

RANDOLPH COUNTY PLANNING BOARD

August 7, 2001

There was a meeting held at 6:30 p.m., on Tuesday, August 7, 2001, of the Randolph County Planning Board in the Commissioners' Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. Chairman **Maxton McDowell** called to Order the Randolph County Planning Board Meeting at 6:30 p.m.
2. **Hal Johnson**, Planning Director, called roll of the Members: Maxton McDowell, Chairman, present; Bill Dorsett, Vice Chairman, present; Lynden Craven, absent; Al Morton, present; Phil Ridge, absent; Larry Brown, present; and Mark Brower, present.
3. Approval of the Minutes of the July 10, 2001 and July 23, 2001, Randolph County Planning Board Meetings.
4. **REQUESTS FOR PROPERTY REZONING:**

- A. **JAMES SMITH**, Greensboro, North Carolina, is requesting that 14.02 acres located at 6788 Willard Road, Liberty Township, be rezoned to amend the current Heavy Industrial/Conditional Use Zoning which allows the operation of a Go-Kart Raceway facility. Parcel ID # 8725675147. Rocky River Watershed. The proposed amendment would include possible changes in hours and days of operation.

Johnson explained that this request came before the Commissioners in March of 2000 and the Board approved this request contingent of specific conditions. Those conditions were review:

Saturdays 9 am to 10 pm - Sundays 2 pm to 7 pm
Fencing for noise reduction
All development as per site plan
Operating Months - April through November

Johnson explained that the County over a period of time received several complaints and County Code Officials visited the site and witnessed these violations and Mr. Smith asked the County to reconsider this request to allow more flexible hours and days for operation.

James Smith was present and provided the Board with handouts of an overview of his request. Smith said that from the beginning it was his intention to do a good job and run a good operation. Smith said that they currently employ 18 part time workers and they promote the area. Smith said that they will be sponsoring a State Race and they would like to have 2 next year. Smith said that for noise control they require mufflers on all karts and they have changed the loud speakers. Smith said he is currently working on a privacy fence around the entire property. Smith said they are installing power around the track so the racers won't have to use generators. Smith said that they always have 2 off-duty officers at every event. Smith described the business as a safe place for families and allows families to share quality time. Smith said that they would like to close on Sundays to allow to open from 5 to 11 on Fridays and 9 to 11 on Saturdays. Smith said that you can't race every day. Smith said he can't race sometimes because of weather or medical rescue when someone gets hurt. Smith said that he has a lot invested here and he has tried to operate with the hours given. Smith said that he needs the hours to operate. **Johnson** asked Smith about his agreement he made with the Board. **Smith** said that he did say that he would try to meet these conditions and has seen he cannot, so he is asking for his conditions to be changed. **Brown** asked about the buildings he was adding. **Smith** said that he had permits for everything until he messed up and tried to combined two buildings and change a roof line. Smith said that the site plan doesn't show all the buildings and described where the buildings are located. Smith said that he is in the process of trying to obtain these permits and is currently working on the impervious site plan required to obtain a Watershed Permit.

Marty Ward, 1254 Pineview Road, Randleman, said that go-kart racing is the fastest growing sport in the world. Ward described this as a true family sport. Ward said that they have been in go-karting 7 years and they are behind this 100%. Ward said that the State Race is a privilege and doesn't just come to any track. Ward said that this brings racers from all over and it brings a lot of money to the area. Ward said that the bottom line not just the money, not just Mr. Smith, but for the young people. Ward said that it is impossible to get out of there by 10 pm when you have 250 karts racing in several different classes. Ward said that Smith has worked really hard here and she feels that it would only get better.

Phil Grant, 1844 Oak Drive, Asheboro, said that as a handicap person this type of facility is totally accessible for the handicap. Grand said this is a good thing that helps keep kids off of drugs and alcohol.

Marvin Wall, 6911 Sandy Creek Church Road, said that he is the farmer that surrounds this track. Wall said that he isn't against people having fun but his parents live within 300 feet of this track. Wall said that the site plan shows buffers but at the moment there is no buffers. Wall said if you like racing that's good but there's some people that live in the country for the peace and quiet. Wall said that he has a poultry operation within 120 ft of his line and one within 30 ft of his line. Wall said his parents live next to the track and he also has a hog farm at this track. Wall said that the more people that come to this track, the more that may try to put him out of business. Wall said he realized that

Smith's dream may be this track but the farm is his family's dream. Wall talked out the trash that comes over on his property. Wall said he realized that Smith said people don't drink alcohol here but they pick up several beer cans. Smith talked about the trash not being properly maintained with a dumpster. Wall said he realized that the fencing is a slow process and some that is finished is not keeping people from throwing trash on his property. Wall said that a 6 ft fence is not keeping people out. Wall said that some people are climbing over the fence and using the bathroom at his farm buildings. Wall said that they need a buffer not just a fence. Wall said that if the group started a little bit earlier they could finish on time. Wall provided the Board with a newspaper article that shows the heat races not beginning until 1:30 p.m. Wall said if they won't to finish on time, why don't they start earlier so when 10 p.m. gets there he can close on time. Wall said that he would just like to see the raceway meet its obligations. **Dorsett** asked Wall if the lights and noise been a detriment to his operation as he expressed this concern at the last hearing. **Wall** said it does to a certain degree. Wall described the difficulty they sometimes have when trying to catch chickens and the go-kart facility is open. **Dorsett** asked if there was any specific way that it has effected his hog operations and **Wall** said no but he has tried to keep the number of hogs down to prevent as much of the odor for those at the facility.

There were 2 people present in opposition to this request.

There were 9 people in favor of this request.

Chairman McDowell asked for a show of hands of those that live within a mile of this site. Only the 2 in opposition raised their hands.

Dorsett said that he remembered a buffer being required and he didn't see any when he was at the site. Dorsett said that 2 people that spoke in favor of this request said they couldn't meet the conditions and the permit should have been revoked the first time they went over on the hours. Dorsett said that we can't allow them to continue. **Morton** said that he felt that the Board should require them to stay on Saturdays to 10 p.m. but Friday night should be allowed until 11 p.m. **McDowell** reminded Morton that he currently cannot operate on Fridays. McDowell said that he agreed with Dorsett and a fence is not a buffer. **Brower** asked if there was any kind of probationary period for this type of operation. **Johnson** said that he is currently in that probationary period now because he is in violation of his permit until the Commissioners vote of this request. **Dorsett** said he felt this was a needed operation but it must operate within the conditions imposed. **Morton** asked Randle Brim, County Code Enforcement Officer, if a 25 ft buffer with a fence appropriate. **Brim** said it would depend on the height of the trees and with a 10 ft. foam board but this would be expensive. **Brower** said that when you go to putting trees at this facility you need to think about the safety of the karts also.

McDowell asked for the staff recommendation and **Johnson** said that the staff recommendation would be to deny this request and require the applicant to abide by the conditions placed in 2000. Johnson said that the conditions were established after a lot of

discussion at the Board of Commissioners meeting. Johnson said that this is not whether go-kart is good or bad but what effect it has on adjoining property owners. Johnson said that Smith is not in compliance and we have begun enforcement procedures but we have stayed this process pending this request being heard. Johnson said we have had numerous complaints from the community. **Morton** asked from who and Johnson said from many but primarily the effected property owner. **Dorsett** said that he didn't see a problem with allowing the 2 additional hours of operation but he felt if he didn't comply with the Conditional Use Permit requirements, the permit should be revoked and the business closed.

Morton made the motion to recommend to the Commissioners that this request be **approved** with the following conditions:

1. Closed Sundays and open on Friday from 5 pm to 11 pm
2. Open Saturdays from 9 am to 11 pm
3. Open from April to November
4. Appropriate fencing and buffers (approved by the Planning Staff) adjoining the Wall Property
5. No more races until proper fencing and buffer approved by staff has been established.

Brower seconded the motion.

Dorsett said that he agreed that the buffer should be in place before any more racing.

The motion passed unanimously.

- B. **REID KEARNS**, Asheboro, North Carolina, is requesting that 21.50 acres located on corner of Sawyersville Road and Jackson Road, Cedar Grove Township, be rezoned from Residential Agricultural to Residential Exclusive/Conditional Use. Parcel ID # 7721413172. The proposed Conditional Use Zoning would specifically allow the development of a 14 lot subdivision for site built homes only. Property Owner: Cleta Kearns.

Kearns was present and provided the Board with a copy of the proposed restrictive covenants. Kearns said that they would not disturb any of the timber except that required for perking and surveying lines. Kearns said that they have had preliminary soil evaluations. Kearns said that the least amount of road frontage is 128'. Kearns added that the house size would be required to be a minimum of 1200 ft.

Frank Rose, 3564 Sam Jackson Road, said that he has lived here 15 years and he is not

against the development but he is asking that the Board consider some changes. Rose talked about the traffic problems they experience during morning hours on Sawyersville and Moore Road. Rose described the topography of the roads and said that most of the lots would be located in a blind spot on the roads. Rose talked about the number of lots that have recently been approved in this short of distance along the road. Rose said that he is concerned for the safety in this area. Rose talked about a rock formation in this area and the water problems they may experience when the new wells are drilled. Rose asked this Board to consider reducing the number of lots to 9 or 10 rather than 14 because of the safety issues. Rose said that he realized that Kearns wanted to make a profit and he is not trying to prevent this but he felt the property would be more suitable for 9 or 10 homes for the safety of their community.

Donald Freeman, 1116 Running Cedar Road, said that he has lived here 44 years and has seen this area grow from 10-12 homes to 60-70 homes. Freeman said that with this proposal and the others that have been recently approved we will have a city in this short distance of road. Freeman said he can't image this many homes within a 2 mile section of road. Freeman asked the Board for a reduction in density of 3 homes with 3 acres each on Sawyersville Road and 6 lots along the Moore Road section of the property. Freeman said this would be fair to the residents who have been here for many years. Freeman talked about the wells in this area and the concern he has for the old existing wells that are shallow bored wells. Freeman expressed concern if the land in this area could maintain all the wells and septic tanks for the lots that have been approved in this area.

There were 12 people present in opposition to this request.

Brower said it appears to be density and driveway connections as the main concerns. Brower asked if the Board would consider 12 lots as opposed to 14 lots to appease the neighbors. **McDowell** asked Kearns if he would consider this reduction of lots and **Kearns** said he could probably take one lot of each side.

Brower made the motion, seconded by **Brown**, to recommend to the Commissioners that this request be **approved** for a 12 lot site built subdivision. The motion passed unanimously.

- C. **DAVID REYNOLDS**, Greensboro, North Carolina, is requesting that 33.70 acres located on NC Hwy 22 North, be rezoned from Residential Agricultural to Residential Exclusive/Conditional Use. Parcel ID # 7797374889. The proposed Conditional Use Zoning would specifically allow the development of a 26 lot subdivision for site built homes only. Property Owners: Billy Ray McClintock & Others.

Reynolds was present and provided the Board with a small revised plan with a change of the driveways. Reynolds said that this plan would combine the driveways and would reduce the driveways to 5 as opposed to 10 driveways that were first proposed. Reynolds discussed the soil evaluation and said that because of some perking difficulties this was the only way to develop the property with this number of lots. Reynolds said that the

minimum house size would be 1100 sq. ft. to 1400 sq. ft. with brick foundations and crawlspaces. Reynolds said that this would be a good addition to the community and is an upgrade of what is currently there.

Nancy Phillips, Soapstone Mountain Road, speaking for the heirs (owners of the property), said that they are elderly people and would like to use the money they make as their 401k for their retirement.

John Waugh, 3517 Wayne White Road (next to this property), said that he has three 400' chicken houses with exhaust fans facing this property right next to this property line. Waugh said that he would like to see 3 to 5 acre lots especially with the perking problems that have been considered. Waugh said that there are 8 houses near this property larger than what he is proposing. Waugh said that the homes in this area have larger lot sizes than what is being proposed. Waugh said that his neighbor also has chicken houses and they (together) spread their litter from the houses on a pasture adjoining this site.

Kim Gunter, Hwy 22 North, expressed concern of how this many houses will effect the wells in this area. Gunter said that she realized that the land will be developed but she felt this would be way too many homes for this area. Gunter talked about the traffic problems they have along Hwy 22.

Terry Swaim, New Salem Road, talked about the traffic problems along Hwy 22 and New Salem Road. Swaim said he was affended by the size of houses being talked about and said that his home is bigger than that and he would like to see something better for the community than these little bitty houses and little bitty lots.

Jim Cain, 2949 Bethel Church Road, said that last year he built a 3000 sq. ft. home and he would like to see less lots and larger homes proposed for this area. Cain said talked about the size of homes that are being built on Wayne White Road at this time.

Craig Cole, Wayne White Road, expressed concern about the traffic on Hwy 22.

David Hardison, NC Hwy 22, said that he just built a 2000 sq. ft. home here on a 2 acre lot. Hardison talked about the odors in the area and the dangerous intersection at this property. Hardison said that most people in the area have at least 3 to 5 acres.

There were 3 people present in favor of this request.

There were 37 people present in opposition to this request.

Dorsett said to combined the driveways you are not accomplishing anything along this highway.

Brown said that the traffic is terrible along this road and the lots nor the houses are compatible to the area.

Brower said that the McClintocks have the right to use the land as they are taxed and the landowner's rights should be considered. Brown said with this criteria it would be okay to put a mini-mart on .6 acres of land and that just doesn't fly.

Morton made the motion, seconded by **Brown**, to deny this request due to the density concerns of the area. The motion passed by a 4 to 1 vote - **Brower** voted against the motion.

- D. **ALVAH SKEEN**, Asheboro, North Carolina, is requesting that 15.16 acres located on Rocky Knoll Road, Franklinville Township, be rezoned from Residential Agricultural to Residential Mixed/Conditional Use. Parcel ID #'s 7771788012 and 7771882328. The proposed Conditional Use Zoning would specifically allow the development of an 18 lot mobile home park.

Skeen was present and said that he felt the park would be compatible to the community. Skeen said that he would develop a neat and clean park. Skeen said that as the park grows he would provide an on-site manager. Skeen said there would be one community well. Skeen said he would be renting spaces and not trailers. Skeen said that he would have an age restriction on the homes.

Clayton Burrows, Surveyor, said that he owns land in the general vicinity and he has tried to help Skeen design his plan. Burrows said that there is a need for nice parks in the County. Burrows said he is in favor of County Zoning and if we are going to allow parks this is an ideal place. Burrows said it is buffered and off the "beaten path".

Ron Hyler, 2000 Trogon Hill Road, said that they (he and his neighbors) have had a lot of well contamination problems and they are having to purchase bottled water now. Hyler said that he is the young person in the area and he has lived here 13 years. Hyler said that this type of development brings in transient people and the park owner won't live anywhere near this property.

Frank Chamberlin, 3640 US Hwy 64 E, talked about the wells they have drilled in this area because of contamination and the County and State have been testing in this area. Chamberlin said there are numerous problems and they are having to purchase bottled water. Chamberlin talked about the topography of the road and said that the people that live on this road have trouble during the winter weather and have to park on the highway. Chamberlin talked about the cats and dogs population problem they have had because of people moving out of the park and leaving their animals.

Hazel Cameron, 1972 Trogon Hill Road, talked about their water problems. Cameron said that the State has drilled 2 wells on their street to test periodically because of the contamination problems.

Dwight Hall, 1967 Trogon Hill Road, said that he has had to drill 3 wells and said the

last well cost him over \$6000. Hall said that 5 years ago the County told them to stop using their water because of the contamination from the trailer park. Hall said that these people have lived in this area for 40 to 50 years. Hall talked about the problems that they have had by the hispanics that live at the existing trailer park. Hall said that there are 23 homes on Trogon Hill and Madison Circle and they are all site built and this would damage their community.

Steven Lindley, Sohomey Drive, spoke for his parents adjoining this site, and said that they don't have a buffer along the east side of the property. Lindley also talked about the number of wells they've had to drill and problems they have with their water. Lindley said that he felt the crime rate would go up, this would create additional noise, and destroy the community. Lindley said that Rocky Knoll comes out at a blind spot on Hwy 64.

Tracy Gotlin, daughter of Skeen, said that it was not her father's intentions to bring in people that would create crime or bring in pets that would be abandoned. Gotlin described the type of restrictions concerning trash and other problems that have been mentioned. Gotlin said that there are springs on the property and the Health Department has come to the property.

Homer Suggs, 322 Rocky Knoll Road, said that he owns 15 acres behind this property. Suggs said that Skeen told them that he was going to get these mobile homes out of there and put up a white fence and clean the place up. Suggs said he has not cleaned the place up and he is currently renting two mobile homes to hispanics here. Suggs talked about the problems they have had with water and him allowing Skeen to get water from him. Suggs said that Skeen has done nothing he said he would do until about 2 weeks ago he had the grass cut which is only been cut twice in the past 2 years. Suggs talked about run-off problems he has on his property because of the road on Skeens property. Suggs talked about the timber that was cut on his property and across his fence and on to his property. Suggs said that if this is approved his property will be worthless.

Dorsett said that there is almost certain a water problem in the area but that is the Health Department's territory and not the Planning Board's. Dorsett said that this is one of the few uses for this property because he couldn't see anyone building a house on the property. **Morton** agreed.

Brower made the motion to recommend to the Commissioners to **deny** the request. **Dorsett** seconded the motion because this density is too much for the area.

Morton asked Brower if he would consider reducing the number of lots (to half) for the request. **Brower** said he didn't feel this would be profitable for Skeen.

The motion passed by a 4 to 1 vote - **Morton** voted against the motion.

- E. **EAGLE EYES FLEA MARKET**, Asheboro, North Carolina, is request that 2.64 acres

located at 4380 US Hwy 64 East, Franklinville Township, be rezoned to amend the current Highway Commercial/Conditional Use Zoning which allows an antique store and auction house. Parcel ID# 7781783945. The proposed amendment would specifically allow an antique store in an existing structure, an indoor flea market in another existing structure, and an outdoor flea market. Property Owners: Arlene & Clyde Kenny Boyles.

Ronnie York said that they have been in business for 3 years in the old Eagle's Store south of town. York said that they have a lease with an option to purchase on the property. York said that they would like to change some conditions on the existing permit. York said the building would be an indoor flea market and the house would be for antique furniture only. York said that they would like to expand the existing buffer along the back of the property from 50' to 100'. York said that they would like to have some tables outside along the west side of the property and on the north side of the parking lot. York said the outside tables would be used only on Fridays and Saturdays.

Johnson asked about the used car parked on the front of the property for sale. York said he would like to add to his request to include 6 to 8 cars for sale on the front of the property.

John York, 913 Patterson Grove Road, Ramseur, said he felt this would be compatible to the development along his area of Hwy 64.

Pam Pritchard, 2591 Bescher Chapel Road, said that the main request is for some outside table space for flea market sales on the weekend.

There was no one present in opposition to this request.

Johnson expressed concern about the addition of the cars sales because they always grow larger. Johnson said that the staff recommendation for approval without consideration of the car sales.

Brower made the motion, seconded by **Morton**, to recommend to the Commissioners to **approve** this request with the addition of a small 5 car sales lot and the restriction of no car on-site car repair. The motion passed unanimously.

5. **SWEARING IN OF THE WITNESSES:**

"Do you swear or affirm that the information you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?"

3 citizens took this Oath.

6. **SPECIAL USE PERMIT REQUEST:**

A. **JERRY GAINES**, Pleasant Garden, North Carolina, is requesting a Special Use Permit

to allow a 40 x 40 personal use building for a woodworking and welding shop to be located at 2105 Brittany Trail, .92 acres, Providence Township, Polecat Creek Watershed, Canterbury Trails, Lots 68 and 69, Zoning District RM, Parcel ID # 7787063930.

Gaines was present and provided the Board with pictures of the area. Gaines said that this would not be a full-time business. Gaines said that there will be no utilities other than electricity and the building would be for personal use only. There will be no outside storage.

There was no one present in opposition to this request.

Dorsett asked if he plans to make things at this building to sell and Gaines answered no. Dorsett said that this is a neat neighborhood and since he has lived here since 1985 he felt the property would be well maintained.

Brower made the motion, seconded by **Dorsett**, to **approve** this request for a Special Use Permit. The motion passed unanimously.

- B. **JERRY & JANETTE HUNT**, Asheboro, North Carolina, are requesting a Special Use Permit to allow a Planned Unit Development of 4 residences for family use (3 mobile homes and 1 house) to be located at 5800 US Hwy 64 West, 12.27 acres, Tabernacle Township, Zoning District RA, Parcel ID# 7712736991.

Hunt was present and said that all these homes would be used for family members and the new site would be approximately 1200 feet off the road. Hunt said that the property will remain under one ownership and will not be subdivided.

There was no one present in opposition to this request.

Morton made the motion, seconded by **Brown**, to **approve** this request for a Special Use Permit. The motion passed unanimously.

7. Proposed Amendment to the Zoning Ordinance - "Cancellation Clause"

Dorsett made the motion, seconded by **Brown**, to recommend to the Board of Commissioners **to amend** the County Zoning Ordinance to include the following:

Article XIII, Administrative and Legal Provisions, Section 4, Changes and Amendments (new subsection J):

An applicant may withdraw or postpone a final hearing on a rezoning request before the Board of County Commissioners if such request is received in writing by the County Planning Director within five (5) working days after action by the County Planning Board. Any request to withdraw or postpone a hearing thereafter shall be determined in the sole discretion of the Board of County Commissioners.

The motion passed unanimously.

Brower said that he felt the Board of Commissioners acting on the request of Carolina Cast Stone Company without the applicant being prepared, for whatever reason, was unfair but this will clarify this kind of situation and prevent this from happening in the future to other applicants.

8. **Johnson** announced that there will be a special refresher training session for the Board on August 21st with Paul Kron, Regional Planning Director, with the Piedmont Triad Council of Government at 6:00 p.m.
9. **Johnson** introduced **Chris McCloud** (representative of the Home of Builders Association) as the newly appointed regular member of the Planning Board.
10. **Brower** said that he had planned to speak at the Commissioners meeting as a private citizen to speak in favor of the request for Carolina Cast and asked if this would have been appropriate. **Johnson** said he felt this would not have been appropriate because Brower is a Planning Board Member. **Morton** said he felt this would have been a conflict of interest.
11. The meeting adjourned at 9:51 p.m. There were 79 citizens present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

Planning Director

Date

Clerk